



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON

IN REPLY REFER TO
601.53 Cochise County, Arizona - ENGLS

31 January 1951

SUBJECT: Acquisition of Fort Huachuca, Cochise County, Arizona

TO: The Division Engineer
South Pacific Division
Corps of Engineers
San Francisco, California

1. There are inclosed copies of letters from the Department of the Air Force dated 10 January 1951, in which the Department of the Air Force requests the acquisition of certain areas of Fort Huachuca. There are also inclosed copies of letter dated 18 January 1951 from the Acting Secretary of the Air Force to the Governor of Arizona, advising, for reasons stated therein, that the United States has exercised its rights as to the reversion of title of that area conveyed to the State of Arizona under deed of 14 January 1949 for use for wild life purposes and has elected to exercise its right to the immediate use of certain areas described therein which were conveyed to the State for the training and maintenance of civilian components of the Armed Forces of the United States in accordance with deeds dated 2 March 1949, and as amended by deed dated 18 April 1950.

2. Pursuant to telephone conversation on 19 January 1951 between Mr. Vacek of this office and Mr. Cupples of your office the letter of 18 January 1951 is to be considered a real estate directive only.

3. Also pursuant to said telephone conversation it is requested that action be taken to contact the Governor of Arizona for the purpose of securing an immediate right of entry into and the orderly taking of possession of the lands and facilities involved.

4. Contact should be made with the local authorities of the Department of Interior in order to secure a permit for the use and occupancy of the lands still under the jurisdiction of that Department in the priority one area as outlined in the lease planning report which was transmitted to this office by your 6th Indorsement dated 9 January 1951, Subject: Request for Lease Planning Report - Fort Huachuca, Cochise County, Arizona.

5. Based on the understanding that Buildings Nos. T-1018 and T-4093 are under the control of the General Services Administration, arrangements should be made with that agency either to secure a permit

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for their use by the Department of the Air Force or for their transfer to the Department of the Air Force.

6. As to the State of Arizona school lands it is assumed that there will be no difficulty in obtaining a permit for the use of this land from the State for the duration of the present emergency.

7. With regard to the cemetery and access road it is assumed that it will not be necessary to take exclusive jurisdiction over this area and that, therefore, the maintenance of these facilities can remain with the State of Arizona, otherwise arrangements will be necessary to have the Government assume the obligations of maintaining this property.

8. The use of the entire area as described in paragraphs 3a. and 3b. of the inclosed copy of the letter to the Governor of Arizona should be incorporated into an agreement entered into between the Government and the State. There is inclosed a draft of an agreement for use in this connection. Paragraphs 2 and 3 of the proposed agreement provide, in accordance with the terms of the deed under which the use of this property is being taken, for the payment of a fair rental for the use of any installations or structures which have been added to the premises without Federal aid. Where no such structures or improvements have been added to the premises without Federal aid no rental will be paid and accordingly alternate provisions for paragraphs 2 and 3 of the agreement should be used. It will be noted that the restoration provision provided in the attached draft of agreement commits the Government to restore only those facilities that were used and maintained for the training and maintaining of civilian components of the Armed Forces of the United States at the time of the Government's entry under the agreement, or in lieu thereof to leave equivalent facilities. It is requested that this restoration agreement be incorporated in the final draft of any agreement negotiated with the State.

9. No agreement will be necessary for the use of the area, title to which reverts to the United States under the deed of 14 January 1949.

10. In addition to the above it is further requested that a joint inventory and condition survey be made upon entry under the agreement and upon termination of the agreement. The facilities used and maintained for the training and maintaining of civilian components at the time of entry by the Government should be identified on the inventory and condition survey.

11. It will be noted that the proposed agreement provides that the Government may terminate the agreement at any time by giving 30 days notice in writing to the State and that such termination shall in no manner waive, cancel or abridge the rights of the Government under the deed.

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12. It is requested that this office be notified by teletype when the agreement is consummated and that two copies be furnished for the records of this office.

BY ORDER OF THE CHIEF OF ENGINEERS:

4 Incls:

- #1 - Cpy Ltr 1/10/51
- #2 - Cpy Ltr 1/10/51
- #3 - Cpy Ltr 1/18/51 (dup)
- #4 - Draft of Agreement

WOODROW BEMER

Chief, Acquisition Division
Real Estate